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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,934	05/17/2000	Tetsuro Motoyama	5244-0121-2	7299

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EXAMINER

CHANG, JULIAN

ART UNIT PAPER NUMBER

2152

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/453,934	<b>Applicant(s)</b> MOTOYAMA ET AL.	
	<b>Examiner</b> Julian Chang	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/26/05-8/22/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office action is responsive to communication filed on 06/27/06. Claims 1-20 are pending, and have been examined.

#### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbieri, et al (US 6,212,160), hereinafter "Barbieri", and further in view of Motoyama (US 5,818,603).
4. Regarding claim 18, Barbieri teaches a method comprising:
  - providing a plurality of communications protocols capable of transferring data at an application layer ('a plurality of protocols', abstract);
  - selecting a first protocol of the plurality of communications protocols to transfer data to a remote receiver from at least one of a device, and appliance, an application, and an application unit ('application first attempts to establish a communications channel by using the preferred protocol', abstract);
  - selecting a second protocol of the plurality of communications protocols to transfer data to the remote receiver from the at least one of a device, and appliance, an

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application, and an application unit ('If that fails, the application attempts to establish the communications channel by using another supported protocol', abstract);

performing a first attempt to transfer data to the remote receiver from the at least one of a device, and appliance, an application, and an application unit using the first protocol ('application first attempts to establish a communications channel by using the preferred protocol', abstract); and

performing a second attempt to transfer data to the remote receiver from the at least one of a device, and appliance, an application, and an application unit using the second protocol after the first attempt, automatically without human intervention ('If that fails, the application attempts to establish the communications channel by using another supported protocol', abstract).

Barbieri fails to teach the collection and transferring of collected events at the at least one of a device, an appliance, an application, and an application unit.

However, Motoyama teaches the collection of events and transferring of collected events at the at least one of a device, an appliance, an application, and an application unit (col. 4, lines 45-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to collect events and transfer collected events as taught by Motoyama using multiple protocols as taught by Barbieri with motivation to increase compatibility and redundancy in performing diagnostic tasks.

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5. Regarding claim 19, Barbieri-Motoyama teaches the invention substantially as claimed and described in claim 18 above, including the use and selection of different formats (Motoyama: col. 1, lines 52-57; and col. 8, lines 39-45).

6. Regarding claims 1 and 8, Barbieri-Motoyama teaches the invention substantially as claimed and described in claims 18 and 19 above. Additionally, the plurality of code devices and their function are obvious in Barbieri-Motoyama.

7. Regarding claims 2-3 and 9-10, Barbieri-Motoyama teaches the invention substantially as claimed and described in claims 1 and 8 above, including a library of code shared between first and second applications and a dynamically linked library of code shared between first and second applications (Motoyama: database 28, Fig. 1).

8. Regarding claim 4, Barbieri-Motoyama teaches the invention substantially as claimed and described in claim 1 above, including a plurality of communication protocols comprise at least one of (1) a store and forward protocol and (2) a direct connection protocol (Motoyama: col. 7, lines 4-12).

9. Regarding claim 5, Barbieri-Motoyama teaches the invention substantially as claimed and described in claim 1 above, including a plurality of communication protocols comprise (1) a simple mail transfer protocol and (2) at least one of (a) a file transfer protocol and (b) a hypertext transfer protocol (Motoyama: col. 7, lines 4-12).

10. Regarding claims 6-7, and 13-14, Barbieri-Motoyama teaches the invention substantially as claimed and described in claims 1 and 8 above, including the use of a second protocol when a first protocol fails (Barbieri: Abstract).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the disclosure of Barbieri to provide redundancy through a plurality of protocols.

11. Regarding claims 11 and 12, Barbieri-Motoyama teaches the invention substantially as claimed and described in claim 8 above, including a plurality of communication formats (col. 1, lines 52-57; and col. 8, lines 39-45) which obviously may comprise binary, text, hypertext markup language, and extended markup language, or compressed format.

12. Regarding claims 15-17, Barbieri-Motoyama teaches the invention substantially as claimed and described in claim 8 above. In addition, it is obvious that different protocols may work with more than one format.

13. Regarding claim 20, Barbieri-Motoyama teaches the invention substantially as claimed and described in claims 1 and 19 above, and is rejected as claims 1 and 19 above.

***Response to Arguments***

14. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

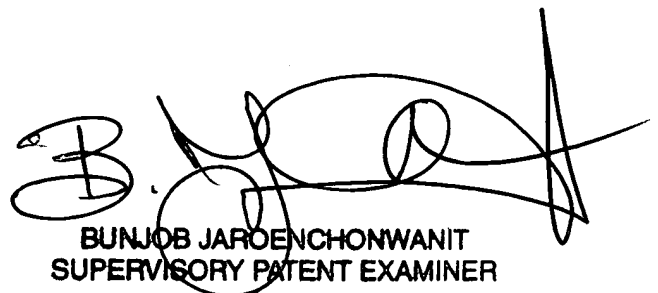
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Chang whose telephone number is (571) 272-8631. The examiner can normally be reached on Monday thru Friday 8am to 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER